

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS**

MARIAN FEULING,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
UNITED STATES OF AMERICA,)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, MARIAN FEULING, by and through her attorneys, GORDON AND CENTRACCHIO, L.L.C., and complaining of the Defendant, UNITED STATES OF AMERICA, alleges as follows:

1. This an action is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. Sec 2671, et seq. and 28 U.S.C. Sec. 1346 et seq. jurisdiction of this court is invoked pursuant to 28 U.S.C. Sec. 1332.

2. On and prior to November 19, 2019, the Plaintiff, MARIAN FEULING, was a resident in the City of Chicago, County of Cook, State of Illinois.

3. Plaintiff has fully complied with the provisions of 28 U.S.C. 2675 of the Federal Tort Claims Act, by serving notice of the claim upon the Department of Veteran Affairs within two years of the incident forming the basis of this suit.

4. Plaintiff files this lawsuit after waiting the requisite 6 months from the date of submitting her claim and after receiving a denial of her claim from the Office of the General Counsel for the Department of Veteran Affairs. (See Attached Exhibit A)

5. On or about November 19, 2019, the Defendants, UNITED STATES OF AMERICA, through its agency, the Department of Veteran Affairs, owned, operated, managed

and/or maintained the Jesse Brown VA Medical Center premises located at 820 South Damen Ave., Chicago, Illinois 60612.

6. At the aforesaid time and place, the Plaintiff, MARIAN FEULING, was lawfully on said premises as a business invitee of Defendants.

7. Venue is proper under 28 U.S.C. Sec 1402 in that the plaintiff resides within and a substantial portion of the acts or omissions giving rise to this claim took place in Northern District of the State of Illinois.

8. At the aforesaid time and place, the Defendant, UNITED STATES OF AMERICA, individually and/or by and through the Department of Veteran Affairs its agents, servants and/or employees maintained, operated, or supervised the aforementioned premises including the sidewalks, entrances, exits, to said premises in such a manner where the areas became and/or caused a trip hazard when upturned carpeting/floor mats created an unreasonable risk of injury.

9. At the aforesaid time and place, as the Plaintiff, MARIAN FEULING, was entering this facility through the “Ogden Entrance” of Jesse Brown VA Medical Center located at 820 S. Damen Ave., Chicago, Illinois 60612, she was caused to trip and fall on an upturned portion of carpet/mat sustaining severe and permanent injuries.

10. At the foresaid time and place, the Defendants, UNITED STATES OF AMERICA, individually and by and through its agents, servants and/or employees, owed Plaintiff and other similarly situated the following duties:

- (a) Provide invitees a safe means of ingress and egress to the premises;
- (b) To maintain, supervise and control the condition of its premises;
- (c) To keep the underlying premises in a safe condition so as to not create a trip hazard when an upturned carpeting/floor mats.

11. Notwithstanding said duty, the Defendants, UNITED STATES OF AMERICA, individually and through their agents and employees on their behalf, committed the following wrongful acts:

- (a) Failed to keep the premises in proper repair, condition, to prevent an upturned portion of carpet/mat;
- (b) Failed to properly inspect the premises entrance carpet/mat for defects and dangerous conditions;
- (c) Failed to properly maintain the premises entrance carpet/mat creating a dangerous condition;
- (d) Created a dangerous condition in placing a defective carpet/mat in the premises entrance; and
- (e) Failed to provide proper warning of a dangerous condition in an area used by the public as a mean of ingress and egress.

12. At the aforesaid time and place, Plaintiff, MARIAN FEULING, entered the Jesse Brown VA Medical Center at the “Ogden Entrance” with intent to use the entrance as a means of ingress to the building when she tripped and fell on the upturned carpeting/mat created because of Defendants negligence.

13. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendants, UNITED STATES OF AMERICA, the Plaintiff, MARIAN FEULING, sustained severe and permanent injuries; was and will be hindered and prevented from attending to her usual duties and affairs of life, experienced and will continue to experience pain, suffering, loss of normal life and disfigurement, incurred medical expenses.

WHEREFORE, the Plaintiff, MARIAN FEULING, asks for judgment against the Defendants, UNITED STATES OF AMERICA, in a sum in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), plus costs of this action.

GORDON & CENTRACCHIO, L.L.C.

/s/ David R. Centracchio

One of Plaintiff's Attorneys

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